

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**DAVID WARRAN MOSLOW, JR.
and SUZANNE MOSLOW**

PLAINTIFFS

V.

NO. 3:24-CV-55-DMB-RP

**CITY OF SOUTHAVEN, MISSISSIPPI,
et al.**

DEFENDANTS

ORDER

On November 21, 2024, United States Magistrate Judge Roy Percy issued a “Report and Recommendation” (“R&R”) recommending that Officer D. Moore be dismissed without prejudice.¹ Doc. #115. The R&R warned that “failure to file written objections to the proposed findings, conclusions, and recommendations in [the R&R] within 14 days after being served with a copy bars ... (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, ... and (2) appellate review, except on grounds of plain error, of unobjected-to proposed factual findings and legal conclusions accept[ed] by the district court.” *Id.* at PageID 4528–29 (emphasis in original) (citations omitted). No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a *de novo* determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Quintero v. State of Tex. — Health and Hum. Servs. Comm’n*, No. 22-50916, 2023 WL 5236785, at *2 (5th Cir. Aug. 15, 2023) (cleaned up). “[W]here there is no objection,

¹ The recommendation is based on the plaintiffs’ failure to serve Moore “despite multiple extensions to do so.” Doc. #115 at PageID 4528.

the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017).

Because the Court reviewed the R&R for plain error and concludes the R&R is neither clearly erroneous nor contrary to law, the R&R [115] is **ADOPTED** as the order of the Court. Officer D. Moore is **DISMISSED without prejudice**.

SO ORDERED, this 9th day of December, 2024.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE